

such courts shall have the power to impose \* \* \* to sentence". The words "any combination of these punishments" are substituted for the words "or any two or more of such punishments may be combined in the sentences imposed by such courts".

## AMENDMENTS

1988—Subsec. (a). Pub. L. 100-456 substituted "Territory or Puerto Rico" for "Territory, Puerto Rico, or the Canal Zone,".

## CROSS REFERENCES

Uniform Code of Military Justice—

Generally, see section 801 et seq. of Title 10, Armed Forces.

Convening general courts-martial, see section 822 of Title 10.

Jurisdiction of general courts-martial, see section 818 of Title 10.

Sentences, generally, see sections 855 to 858a of Title 10.

### § 328. Special courts-martial of National Guard not in Federal service

(a) In the National Guard not in Federal service, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a brigade, regiment, wing, group, detached battalion, separate squadron, or other detached command, may convene special courts-martial. Special courts-martial may also be convened by superior authority.

(b) A special court-martial may not try a commissioned officer.

(c) A special court-martial has the same powers of punishment as a general court-martial, except that a fine imposed by a special court-martial may not be more than \$100 for a single offense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 608.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
328(a) .....	32:93 (less last sentence).	June 3, 1916, ch. 134, § 104, 39 Stat. 208.
328(b) .....	32:93 (1st 32 words of last sentence).	
328(c) .....	32:93 (last sentence, less 1st 32 words).	

In subsection (a), the words "Federal service" are substituted for the words "service of the United States". The words "where troops are on duty" are inserted for clarity. The words "for his command" are omitted, since they cast doubt on the right of a court-martial to try others than members of the command of the appointing authority. The words "air base, auxiliary air base", "wing, group", and "detached squadron" are inserted to clarify the applicability of the revised section to Air Force organizations. The words "convene" and "convened" are substituted for the words "appoint" and "appointed" to conform to 32:92 and similar provisions of section 823 of title 10 (article 23 of the Uniform Code of Military Justice). The words "when by the latter deemed advisable" are omitted as surplusage.

In subsection (b), the positive authority of a special court-martial to try any person subject to military law is omitted as covered by section 326 of this title.

In subsection (c), the words "for a single offense" are inserted for clarity.

## CROSS REFERENCES

Uniform Code of Military Justice—

Generally, see section 801 et seq. of Title 10, Armed Forces.

Convening special courts-martial, see section 823 of Title 10.

Jurisdiction of special courts-martial, see section 819 of Title 10.

Sentences, generally, see sections 855 to 858a of Title 10.

### § 329. Summary courts-martial of National Guard not in Federal service

(a) In the National Guard not in Federal service, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment, may convene a summary court-martial consisting of one commissioned officer. The proceedings shall be informal.

(b) A summary court-martial may sentence to a fine of not more than \$25 for a single offense, to forfeiture of pay and allowances, and to reduction of a noncommissioned officer to the ranks.

(Aug. 10, 1956, ch. 1041, 70A Stat. 608.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
329(a) .....	32:94 (words before 1st semi-colon of 1st sentence, and 1st 8 words of last sentence).	June 3, 1916, ch. 134, § 105, 39 Stat. 208.
329(b) .....	32:94 (less words before 1st semicolon of 1st sentence, and less 1st 8 words of last sentence).	

In subsection (a), the words "Federal service" are substituted for the words "service of the United States". The words "where troops are on duty" and "commissioned" are inserted for clarity. The words "air base, auxiliary air base", "wing, group", and "detached squadron" are inserted to clarify the applicability of the revised section to Air Force organizations. The word "convene" is substituted for the word "appoint" to conform to 32:92 and similar provisions of section 824 of title 10 (article 24 of the Uniform Code of Military Justice). The word "corps", referring to those corps covered by 32:192 and 193, is omitted as covered by the words "other detachment". The words "who shall have power to administer oaths and to try the enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations" are omitted as covered by section 326 of this title.

In subsection (b), the words "and the minutes thereof shall be the same as prescribed for summary courts of the Army of the United States" are omitted as covered by section 326 of this title.

## CROSS REFERENCES

Uniform Code of Military Justice—

Generally, see section 801 et seq. of Title 10, Armed Forces.

Convening summary courts-martial, see section 824 of Title 10.

Jurisdiction of summary courts-martial, see section 820 of Title 10.

Sentences, generally, see sections 855 to 858a of Title 10.

### § 330. Confinement instead of fine

In the National Guard not in Federal service, a court-martial may, instead of imposing a fine, sentence to confinement for not more than one day for each dollar of the authorized fine.